

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BEATRICE HUDSON,)	8:12CV259
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
METROPOLITON COMMUNITY)	
COLLEGE,)	
)	
Defendant.)	

This matter is before the court on Plaintiff's Motion to Dismiss (Filing No. [5](#)), which the court liberally construes as a motion to voluntarily dismiss pursuant to [Federal Rule of Civil Procedure 41](#). A plaintiff may voluntarily dismiss an action by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment. [Fed. R. Civ. P. 41\(a\)\(1\)\(A\)\(i\)](#). Here, Defendant has not been served with the Complaint. Therefore, in accordance with [Federal Rule of Civil Procedure 41\(a\)](#),

IT IS THEREFORE ORDERED that: Plaintiff's Motion to Dismiss (Filing No. [5](#)), construed as a motion to voluntarily dismiss, is granted and this matter is dismissed without prejudice. Plaintiff's Motion for Leave to Proceed in Forma Pauperis (Filing No. [2](#)) is denied as moot. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 8th day of August, 2012.

BY THE COURT:

Richard G. Kopf
Senior United States District Judge

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